

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

YACCARINO III

Serial No.: 09/503,166

Filed: February 14, 2000

For: COMPOUND BONE STRUCTURE:
OF ALLOGRAFT TISSUE WITH
THREADED FASTENERS

EXAMINER PHAN

Group Art Unit 3738

The Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

DECLARATION OF JOSEPH A. YACCARINO, III
UNDER 37 CFR 1.131 and 1.132

COMES NOW, JOSEPH A. YACCARINO, III, who avers and swears that the following statements are true to the best of his belief and knowledge:

1. I am an engineer employed by MUSCULOSKELETAL TRANSPLANT FOUNDATION and in the course of my employment, I designed a compound bone structure for allograft tissue.
2. That Synthes Corporation markets products manufactured by MUSCULOSKELETAL TRANSPLANT FOUNDATION including the compound bone structure and in the course of my work, I interface with David E. Paul of Synthes Corporation.
3. That during the development stage of the compound bone structure noted above, I worked with David C. Paul of Synthes Corporation.
4. That prior to the provisional application filing date of August 3, 1998 of U.S. Patent Application Number 6,258,125 to Paul et al. (Exhibit A), I developed the device which is substantially shown in Figures 7, 8, 8A and 11 of the '125 patent.

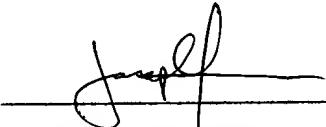
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5. That I showed an actual model of the device represented by these Figures 7, 8, 8A and 11 to David C. Paul prior to the filing date of the provisional application, namely, August 3, 1998 on which the '125 patent claims priority.
6. That I forwarded drawings to David C. Paul prior to the filing date of the provisional application which are substantially the same as shown in Figures 7, 8, 8A and 11 of the '125 patent.
7. That a continuation application of the '125 patent was filed by David C. Paul et al. and assigned to Synthes Corporation and I was added as an inventor to this continuation application.
8. That both David C. Paul and I are inventors of record in United States Letters Patent Number 6,025,538, filed November 20, 1998 and issued February 15, 2000, the parent application of the present '166 continuation-in-part application.

The undersigned declares that all facts and allegations contained in this declaration are true to the best of his knowledge; all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Respectfully submitted,

Date: 6/20, 2002


Joseph A. Yaccarino, III